

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WARREN ZINNAMON, on behalf of
himself and all others similarly situated,
Plaintiffs,

-v-

2BIGFEET, LLC,
Defendant.

23-CV-7664 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant 2BigFeet, LLC submitted a waiver of service on September 13, 2023 and agreed to serve an answer or a motion under Rule 12 within 60 days of that date. (ECF No. 5.) However, Defendant has not entered an appearance, and no response to the complaint has been filed in the allotted time. Plaintiff has not moved for a default judgment.

Plaintiff is directed to notify the Court whether it intends to move for default judgment, or if it has received any communication from Defendant or Defendant's counsel regarding a response to the complaint.

If Plaintiff fails by January 9, 2024 to either (1) file a letter concerning the status of the case, or (2) move for default judgment against Defendant, the action may be dismissed for failure to prosecute.

Plaintiff is directed to serve a copy of this order by mail on Defendant.

SO ORDERED.

Dated: December 12, 2023
New York, New York



J. PAUL OETKEN
United States District Judge